

10/22/01

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01-07-02

Approved for use through 10/31/2002 OMB 085-0032
 U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 4340C2 US
 First Inventor Kenneth J. Livak
 Title LENGTH DETERMINATION OF NUCLEIC ACID REPEAT SEQUENCES BY DISCONTINUOUS PRIMER EXTENSION
 Express Mail Label No. EL 897 621 497 US

PTO/SB05 (03-01)
 OMB 085-0032
 U.S. DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 Washington, DC 20231

10/22/01

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents
 Box Patent Application
 Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
 (Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
 See 37 CFR 1.27.
3. ☒ Specification [Total Pages 42]
 (preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 7]
5. Oath or Declaration [Total Pages 3]
 a. ☐ Newly executed (original or copy)
 b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))
 (for continuation/divisional with Box 18 completed)
 i. ☐ **DELETION OF INVENTOR(S)**
 Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76.

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 a. ☒ Request to Use Computer Readable Copy (CRF) from USSN 09/205,114
 b. Specification Sequence Listing on:
 i. ☐ CD-ROM or CD-R (2 copies); or
 ii. ☒ paper copy (identical to computer copy in 09/205,114)
 c. ☒ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement of Attorney (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Certified Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09 / 205,114 filed December 3, 1998

Prior application information:

Examiner Chunduru, S.Group Art Unit: 1656

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying divisional or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion of the disclosure is specifically identified as being incorporated from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

22896

or ☐ Correspondence address below

Name	Vincent M. Powers				
Address	Applied Biosystems 850 Lincoln Centre Drive				
City	Foster City	State	California	Zip Code	94404
Country	US	Telephone	650-570-6667	Fax	650-638-6677

Name (Print/Type)	Vincent M. Powers	Registration No. (Attorney/Agent)	36,246
Signature	<i>Vincent M. Powers</i>	Date	October 22, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231. 28886_1.DOC

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

Complete if Known

Application Number	To be assigned
Filing Date	October 22, 2001 (herewith)
First Named Inventor	Kenneth J. Livak
Examiner Name	To be assigned
Group Art Unit	To be assigned
Attorney Docket No.	4340C2 US

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to
- Deposit Account Number 01-2213
- Deposit Account Name Applied Biosystems
- ☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status See 37 CFR 1.27

2. ☐ Payment Enclosed:
☐ Check ☐ Credit card ☐ Money ☐ Other Order

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	0.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
32	20	12	18.00
Independent Claims	3	0	84.00
Multiple Dependent		0.00	0.00

**or number previously paid, if greater. For Reissues, see below

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2520	147	2520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1840*	113	1840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1440	218	720	Extension for reply within fourth month	
128	1960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	260	221	140	Request for oral hearing	
138	1510	138	1510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1280	241	640	Petition to revive - unintentional	
142	1280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
189	900	189	900	Request for expedited examination of a design application	

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

SUBMITTED BY

Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone
Vincent M. Powers	36,246	650-638-6492
Signature	Date	
	October 22, 2001	

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Date of Deposit: October 22, 2001

Mila T. Kasan

(Signature of Person Mailing Application)

☐ A petition for extension of time has been filed in the parent to extend the pendency of the parent to _____ (copy enclosed).

- ☒ **Conditional Petition for Extension of Time:** An Extension of Time is requested to provide for timely filing *if* required to establish copendency with the parent after all papers filed herewith have been considered.

4. **Prior Documents Still in Effect**

- ☒ This application and parent application Serial No. 09/205,114 filed December 3, 1998 are assigned of record to PE Corporation (NY).

- ☒ Power of attorney in the above-identified prior application is to Vincent M. Powers, Reg. No. 36,246, and the other attorneys or agents identified therein.

5. **Fees**

The filing fee is calculated below taking into account any amendments in section 2 above:

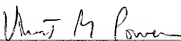
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	32 - 20	12	X \$18.00	\$0.00
INDEPENDENT CLAIMS	3 - 3	0	X \$84.00	\$0.00
BASIC FEE				\$0.00
Multiple Dependency Fee If Applicable \$280.00				
Total				
50% Reduction for Independent Inventor, Non-profit Organization or Small Business Concern				
TOTAL FILING FEE				\$0.00

- ☐ The Commissioner is hereby authorized to charge the filing fee, any deficiency in fees under 37 CFR 1.16 and 1.17, or any other fees necessary for timely filing of this application, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.

- ☐ A check in the amount of \$ _____ is enclosed.

- ☒ Filing fee to be submitted in response to anticipated receipt of Notice to File Missing Parts.
DO NOT CHARGE DEPOSIT ACCOUNT.

Respectfully submitted,



Vincent M. Powers, Reg. No. 36,246

Dated: October 22, 2001

Correspondence Address:

Customer Number 22896
Applied Biosystems
Patent Department M/S 432-2
850 Lincoln Centre Drive
Foster City, California 94404
Telephone: 650-638-6492
Facsimile: 650-638-6677

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Group Art Unit: to be assigned
)
Livak et al.) Examiner: to be assigned
)
Serial No.: to be assigned)
)
Filed: October 22, 2001 (herewith))
)
For: LENGTH DETERMINATION OF NUCLEIC) Express Mail No. EL 897 621 497 US
ACID REPEAT SEQUENCES BY)
DISCONTINUOUS PRIMER EXTENSION)
)
)
)

**REQUEST TO USE THE COMPUTER-READABLE FORM OF THE
SEQUENCE LISTING FROM THE PARENT APPLICATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

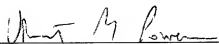
Sir:

The computer-readable form of the Sequence Listing in the present application is identical to that filed in parent Application Serial No. 09/205,114 filed December 3, 1998. In accordance with 37 C.F.R. § 1.821(e), please use the computer-readable form in that application (09/205,114) as the computer-readable form for the present application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the present application. A hard copy of the Sequence Listing as found on the computer-readable form in the parent application is enclosed herewith.

No fees are believed due in connection with this response and the enclosed papers. However, the Commissioner is authorized to charge any necessary fee to Deposit Account No. 01-2213. Any deficiency or overpayment should be charged or credited to this deposit account.

Respectfully submitted,

Date: October 22, 2001



Vincent M. Powers
Attorney for Applicants
Reg. No.: 36,246

Correspondence Address

Customer Number 22896
APPLIED BIOSYSTEMS
850 Lincoln Centre Drive
Foster City, CA 94404
(650) 638-6492 (Phone)
(650) 638-6677 (Fax)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Group Art Unit: to be assigned
Livak et al.) Examiner: to be assigned
Serial No.: to be assigned)
Filed: October 22, 2001 (herewith))
For: **LENGTH DETERMINATION OF NUCLEIC**) Express Mail No. EL 897 621 497 US
ACID REPEAT SEQUENCES BY)
DISCONTINUOUS PRIMER EXTENSION)

DECLARATION UNDER 37 CFR § 1.821

Assistant Commissioner for Patents
Washington, D.C. 20231


Sir:

I, Vincent M. Powers, declare and affirm as follows:

1. I am an attorney for the applicant.
2. The floppy disc of record in the parent application contains the required sequence listing.
3. The content of the paper form of the sequence listing recorded on said disc matches the content of the sequence listing enclosed herewith.
4. I hereby state that this submission, filed in accordance with 37 C.F.R. § 1.821(g), does not include new matter.

Respectfully submitted,

Date: October 22, 2001



Vincent M. Powers, Reg. No. 36,246
Attorney for Applicants

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